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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/786,509

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Bradley A. Rose

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EXAMINER

NGUYEN, KIM T

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

08/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/786,509

Applicant(s)

ROSE, BRADLEY A.

Examiner

Kim T. Nguyen

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7,10-15,17 and 20-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7,10-15,17 and 20-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 May 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Examiner acknowledges receipt of the RCE filed with the amendment on 5/25/07. By this amendment, claims 6, 8-9, 16 and 18-19 have been canceled, claim 24 has been added, and claims 1-5, 7, 10-15, 17, 20-24 are pending in the application.

Claim Objections

1. Claim 23 is objected to because of the following informalities:

In claim 23, line 6, the claimed limitation "one or more indicia" should be "the one or more indicia".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 23, lines 7-9, the claimed limitation "at least one of the indicia associated with the selected objects in the second display image being in a different location than the respective location of the selectable object associated with the indicia in the first display image" is ambiguous. It is not clear if the at least one of the indicia

in the second display image is in a different location than the respective location of the selectable object, or the selected objects in the second display image is in a different location than the respective location of the selectable object. Further, the limitation “the indicia” in line 9 lacks of antecedent basis; and the limitation “location” should be “locations”.

In claim 23, lines 11-13, the claimed limitation “the location of at least one of the indicia associated with the unselected objects in the second display image being in a different location than the location of the respective location of the selectable object with the indicia in the first display image” is ambiguous. It is not clear if the location of at least one of the indicia in the second display image is in a different location than the respective location of the selectable object, or the location of the unselected objects in the second display image is in a different location than the respective location of the selectable object. Further, the limitation “the indicia” in line 13 lacks of antecedent basis; and the limitation “location” should be “locations”.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application

designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 5, 10, 12, 15, 20 and 22-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Angel (U.S. Patent No. 6,695,695).

Claim 1, Angel discloses a method of conducting a wagering game comprising conducting a selection game including displaying a plurality of selectable objects (e.g. simulated players 60-64 with five cards dealt 65 as depicted in Fig. 6) superimposed over a setting (e.g. on the table as depicted in Fig. 6); selecting one or more of the selectable objects and revealing one or more indicia associated with the selected objects (e.g. player 60 is selected and cards 65 in the respective player 60 is revealed as depicted in Fig. 7; col. 7, lines 7-10); and after completing the selection game, displaying a second display image distinct from the first display image and replacing the first display image in whole or in part (the second display image as depicted in Fig. 8), the second display image presenting the selected objects and their associated indicia in a first group in a first region (e.g. the selected object 60 and its associated indicia 67 as depicted in Fig. 8), the second display image presenting the unselected objects and their associated indicia in a second group in a second region separated from the first region, the first and second groups being segregated such that the objects in the respective first and second groups are not intermingled (e.g. the unselected objects 61-64 and their associated cards indicia next to them as depicted in Fig. 8).

Re claim 5, Angel discloses revealing the indicia in proximity to the respective selected objects (e.g. revealing the cards 67 in proximity to the selected player 60 as depicted in Fig. 7).

Re claim 10, Angel discloses presenting the first display image and the second display image on a common display 1 (Fig. 1).

Re claim 12, refer to discussion in claim 1 above. Angel, further, discloses a value input device 20 (Fig. 1) for receiving a wager from a player; a display 1 (Fig. 1) for presenting a plurality of selectable objects in a first display image; a controller for operating the wagering game as claimed (col. 5, lines 48-50).

Re claim 15, Angel discloses revealing the indicia in proximity to the respective selected objects (e.g. revealing the cards 67 in proximity to the selected player 60 as depicted in Fig. 7).

Re claim 20, Angle discloses presenting the second display image on the display 1 (Fig. 1).

Re claims 22 and 24, refer to discussion in claim 1 above.

Re claim 23, Angel discloses a method of conducting a wagering game comprising displaying a plurality of selectable objects in a first display image, each of the selectable objects having a respective location in the first display image (e.g. simulated players 60-64 with five cards dealt 65 as depicted in Fig. 6); selecting one or more of the selectable objects and revealing one or more indicia associated with the selected objects (e.g. player 60 is selected and cards 65 in the respective player 60 is revealed as depicted in Fig. 7; col. 7, lines 7-10); and revealing, in a second display

image, the one or more indicia associated with the selected objects in a first region (e.g. the selected object 60 and its associated indicia 67 as depicted in Fig. 8), at least one of the indicia associated with the selected objects in the second display image is in a different location than the respective location of the selectable object associated with the indicia in the first display image (e.g. the location of the cards indicia associated with the selected player 60 is different from the location of the selectable players 60-64 as depicted in Fig. 8), and one or more indicia associated with the unselected objects of the selectable objects in a second region distinct from the first region (Fig. 8), the location of at least one of the indicia associated with the unselected objects in the second display is in a different location than the location of the respective location of the selectable object associated with the indicia in the first display image (e.g. the location of the cards indicia associated with the unselected players 61-64 and the location of the of the respective selectable players 60-64 are different as depicted in Fig. 8).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-4, 7, 13-14, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angel (U.S. Patent No. 6,695,695) in view of Hughs-Baird et al (U.S. Patent No. 6,439,995).

Re claims 2 and 13, Angel does not explicitly disclose displaying the plurality selectable objects occurs in a bonus game. Hughs-Baird et al discloses displaying the plurality selectable objects occurs in a bonus game (col. 5, lines 31-35). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply displaying the plurality selectable objects in a bonus game as taught by Hughs-Baird et al to the method of Angel in order to provide the player a selection bonus game.

Re claims 3 and 14, Hughs-Baird et al discloses displaying the plurality of selectable objects occurs in a basic game (Fig. 1).

Re claim 4, Angel does not disclose that the indicia are indicative of an award, an end bonus marker, or a trigger for another game feature. However, Hughs-Baird discloses that the indicia are indicative of an award (col. 2, lines 52-54). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to replace the cards indicia of Angle with the award indicia of Hughs-Baird et al in order to enhance exciting of the game.

Re claims 7 and 17, Hughs-Baird discloses that the second display image presents a total award based on the indicia associated with the selected objects (Fig. 3; col. 7, lines 65-67; and col. 8, line 1).

8. Claims 11 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angel (U.S. Patent No. 6,695,695).

Angel does not disclose presenting the first display image and the second display image on different displays. However, presenting different display images on different displays would have been well known and obvious matter of design choice.

Response to Arguments

Applicant's arguments filed on 5/25/07 have been considered but are moot in view of the new ground(s) of rejection.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim T. Nguyen whose telephone number is (571) 272-4441. The examiner can normally be reached on Monday-Thursday from 8:30AM to 5:00PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai, can be reached on (571) 272-7147. The central official fax number is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the

Application/Control Number: 10/786,509

Page 9

Art Unit: 3714

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Date: August 3, 2007

A handwritten signature in black ink, reading "Kim T. Nguyen". The signature is fluid and cursive, with the first name "Kim" and last name "Nguyen" clearly legible.

Kim T. Nguyen
Primary Examiner
Art Unit 3714